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SUBJECT: MUNICIPAL PLANNING FAILURE ENDANGERS VILLAGE STRADDLING JERUSALEM-WEST BANK BOUNDARY

REF: JERUSALEM 2063

**¶11.** (SBU) Summary: Residents of the village of al-Walaja, which straddles the line between the Municipality of Jerusalem and the West Bank, are in legal limbo. This is a result of the Jerusalem District Planning Board's February 2009 rejection of a town planning scheme for the village, the August 2009 expiration of a court order halting demolition orders against 45 homes, and the failure of villagers' efforts either to obtain Jerusalem residency permits or have the whole of the village declared part of the West Bank. Israeli lawyers and planners representing the villagers are calling for international attention to prevent the resumption of home demolitions and punitive detentions, which occurred in al-Walaja throughout the 1990s and earlier in the decade. End Summary.

HISTORY: AN OVERLOOKED ANNEXATION

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**¶12.** (SBU) The village of al-Walaja, which has some 2,000 residents, was founded in 1948 by Arab refugees from the new State of Israel, who took up residence on agricultural lands they owned on the Jordanian-controlled side of the 1948 armistice line. (Ninety-seven percent of al-Walaja's current population has refugee status.) From 1948 to 1967, al-Walaja was administered by Jordanian authorities. Following Israel's military occupation of the West Bank in 1967, the village was administered and provided with services by the predecessor agency of what is now referred to as the Israeli Coordinator of Government Activities in the Territories (COGAT), and villagers held Israeli-issued West Bank identification cards. In the mid-1980s, Jerusalem municipality officials executed demolition orders against two homes in the northern half of the village. They did so on the basis that this portion of al-Walaja, comprising 300-320 homes, had, since 1967, been located inside the Jerusalem municipal borders (which were unilaterally expanded by the GOI in 1967).

**¶13.** (SBU) Municipality officials have subsequently issued a total of 45 additional home demolition orders in this portion of al-Walaja, on the basis that these homes had been constructed after 1967, and without municipal permission. Throughout this period and until today, the residents of al-Walaja have paid no municipal taxes and received no municipal services, including health care and education, the side of the boundary on which they resided notwithstanding. Residents of that portion of al-Walaja defined by the GOI as located inside Jerusalem were never issued Jerusalem residency permits and, until the 1980s, were unaware that they lived inside the municipal borders. They also became subject to periodic arrests by the Israeli Border Police, on the grounds that they were illegally present inside their

homes.

CURRENT STATUS: AN UNRESOLVED QUANDARY

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¶4. (SBU) Since discovering in the mid-1980s that half of their village fell under Jerusalem municipal rather than COGAT administration, al-Walaja residents have tried through various means to regularize their personal and property status under Israeli law. According to UNRWA, villagers unsuccessfully petitioned in 1989 and 2003 that the whole of the village be "returned" to the West Bank. Residents of the portion of the village inside Jerusalem municipal borders have brought court cases requesting the issuance of Jerusalem residency permits. These cases have stalled, according to residents and NGO observers.

¶5. (SBU) In 2006, with the assistance of Israeli lawyer Eitan Peleg and planner Claude Rosenkowitz, the residents of al-Walaja petitioned the courts to order a halt to demolitions on the grounds that the village was in the process of submitting a town plan to municipal and regional planning officials that would retroactively legalize those homes subject to demolition. In what Peleg described as an "unprecedented, unique" move, municipal courts issued a three-year stop-work order on the 45 demolition orders. That decision, combined with a 2004 court order barring the GOI from routing the separation barrier through the center of the village, seemed to presage a possible solution.

¶6. (SBU) A setback occurred in February 2009, when the Jerusalem District Planning Board rejected this planning

JERUSALEM 00002257 002 OF 002

scheme on the grounds that the new Jerusalem Master Plan proposed by Mayor Nir Barkat would, if approved, zone the al-Walaja area as future "green space," as well as on the grounds that the Board did not wish to retroactively legalize illegal construction. In August 2009, the court order halting home demolitions in al-Walaja expired, having run its three-year course.

UNCERTAIN FUTURE FOR VILLAGERS, HOMES

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¶7. (SBU) Peleg and Rosenkowitz noted to Post that while the municipality has not yet moved to resume demolitions since the stop-order's August expiration, the 45 orders remain valid, and could be executed at any time. In the absence of an approved town planning scheme, no new legal construction in al-Walaja is possible, nor is retroactive municipal approval of building completed after 1967. Without forward progress on court cases brought by villagers seeking Jerusalem residency permits, large numbers of al-Walaja residents remain "illegally present" in their homes.

¶8. (SBU) NGO contacts and villagers also expressed concern to ConGenOffs about the planned route of the separation barrier in the al-Walaja area. In 2005, they successfully obtained a court order barring the GOI from routing the barrier through the center of the village, on humanitarian grounds. However, the revised route of the barrier remains problematic, they said, as it will turn the village into a walled enclave connected with Bethlehem by a tunnel. This would increase movement and access hurdles, and further impoverish the village, where unemployment stands at 70 percent.

¶9. (SBU) Residents also expressed concern about press reports indicating that private developers are seeking to construct a 45,000-resident settlement, called Givat Yael, in an arc to the village's north, west, and south -- and, according to some maps, on private property inside the village itself (Reftel). Israeli daily Haaretz reported in late September that Givat Yael's planners had approached the residents of al-Walaja seeking an "accommodation" in which

the planners would support the legalization of homes subject to demolition inside al-Walaja, in exchange for villagers' agreement not to oppose the construction of the Givat Yael settlement. Villagers told ConGenOffs they refused the offer.

VILLAGERS POINT FINGER AT GOI INTENTIONS

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¶10. (SBU) On a December 4 visit to al-Walaja, villagers told Post that they distrusted GOI motives and the GOI's failure to regularize their status. One said, "We've been asking for a master plan (to legalize construction) for five years -- but the problem is Givat Yael. Givat Yael will start from (the nearby settlement of) Gilo, and come up to here. We've been asking to have Jerusalem identification cards since 2004, but the Israelis refuse because they're planning for the future. If we're here illegally, it's easier to get rid of us."

ACTIVISTS REQUEST INTERNATIONAL ATTENTION

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¶11. (SBU) Israeli NGOs and activists working with the villagers argued that more than legal assistance, what was needed in al-Walaja was the sort of international attention given to home evictions in Sheikh Jarrah and planned demolitions in the al-Bustan area of Silwan. "We need to serve notice," one argued, "that there are eyes other than ours on this case. This is a special case. You have refugees, you have the barrier, you have home demolitions, you have the problems we face with planning. This is a humanitarian issue."

RUBINSTEIN